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February 11, 2008

VIA ELECTRONIC FILING

The Honorable Sue L. Robinson
United States District Judge
U.S. District Court for the District of Delaware
J. Caleb Boggs Federal Building
844 N. King Street
Wilmington, DE 19801

Re: *Bayer HealthCare AG, et al. v. Teva Pharmaceuticals USA, Inc.*
C.A. No. 06-234-SLR

Dear Judge Robinson:

We represent Dr. Reddy's Laboratories, Inc. and Dr. Reddy's Laboratories Ltd. ("DRL"), who are non-parties in the above-referenced action between Bayer et al. and Teva (the "Bayer/Teva" action). We write to Your Honor because Bayer gave notice to DRL that confidential DRL information is likely to be used in the trial of the Bayer/Teva action. DRL's information is highly sensitive and was designated Highly Confidential Attorney's Eyes Only pursuant to the Stipulated Protective Order in the Bayer/Teva Action (D.I., 37). DRL respectfully asks Your Honor to take appropriate steps so that DRL's confidential information is protected from public disclosure.

The information at issue is highly sensitive because it describes in precise quantities the various chemical substances which are present in DRL's Moxifloxacin Active Pharmaceutical Ingredient. DRL seeks to have this information remain confidential because, if it is made public, competitors could use this information to DRL's prejudice. For example, disclosure of the identities of the compounds described in the Certificates of Analysis would reveal to the trained eye information about DRL's proprietary manufacturing process that would otherwise be unavailable. Moreover, armed with knowledge concerning the amounts of certain impurities, a competitor may obtain patents here and abroad that would prevent DRL from practicing its own proprietary process. This is not a mere theoretical danger. DRL is increasingly forced to deal with patent applications and issued patents where the claim for infringement would turn on the presence or absence of certain impurities and indeed cases on such issues have been filed.

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The parties are already under a duty to file under seal in the Bayer/Teva action any documents which would reveal DRL's confidential information. Stipulated Protective Order, D.I., 37, ¶ 11. Pursuant to ¶ 9 of the Stipulated Protective Order, DRL respectfully asks Your Honor to exclude from the courtroom persons not subject to the Stipulated Protective Order during any time that DRL's confidential information is discussed and to seal any evidence, and any portion of the transcript, which would reveal DRL's confidential information.

Respectfully Submitted,

/s/ David E. Moore

David E. Moore

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cc: Clerk of Court (via hand delivery)
Counsel of Record (via email)